

# Committee on Resources

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## TESTIMONY BEFORE THE HOUSE SUBCOMMITTEES ON

### FORESTS AND FOREST HEALTH AND FISHERIES

### CONSERVATION, WILDLIFE AND OCEANS

## ON HR 2057 "CHRONIC WASTING DISEASE SUPPORT FOR THE STATES ACT OF 2003"

BY GARY J. TAYLOR, LEGISLATIVE DIRECTOR

### INTERNATIONAL ASSOCIATION OF FISH AND WILDLIFE AGENCIES

JUNE 19, 2003

Thank you, Mr. Chairman, for the opportunity to share with you the Association's perspectives on HR 2057 and the status of management of Chronic Wasting Disease (CWD) in general. I am Gary Taylor, Legislative Director of the Association, and accompanying me today is Dr. John Fischer, Director of the Southeastern Cooperative Wildlife Disease Study, and Chair of the Association's Fish and Wildlife Health Committee. All 50 State fish and wildlife agencies are members of the Association. The Association looks forward to continuing to work with you in particular to provide the state and federal agencies with the fiscal resources that they need to manage this disease. Further, we continue to urge that decisions with respect to management of this disease be well grounded in science. And, finally, we see the need for even more comprehensive (than just USDA and USDI) federal agency cooperation and coordination to effectively manage this disease.

The International Association of Fish and Wildlife Agencies was founded in 1902 as a quasi-governmental organization of public agencies charged with the protection and management of North America's fish and wildlife resources. The Association's governmental members include the fish and wildlife agencies of the states, provinces, and federal governments of the U.S., Canada, and Mexico. All 50 states are members. The Association has been a key organization in promoting sound resource management and strengthening federal, state, and private cooperation in protecting and managing fish and wildlife and their habitats in the public interest.

While we are not convinced of the need for further authorizing legislation, the Association wishes to commend Chairman McInnis, Congressman Kind, Congressman Ryan and others in particular for their diligence in ensuring that a coordinated federal – state effort is directed at this issue. What is most needed are adequate Congressional appropriations to the federal agencies involved for both their efforts and to pass through to the state fish and wildlife agencies, state universities and state agriculture departments, to manage CWD. The Association looks forward to working with you to increase appropriations for these purposes.

Let me summarize where we are in management of this disease by reflecting on the good progress that has been made over the last year. Just a little over a year ago, as a result of a hearing before these same 2 subcommittees, the US Department of Agriculture and US Department of the Interior convened a federal task force to coordinate CWD management. Under the chairmanship of Bobby Acord, Administrator, APHIS, and Steve Williams, Director, US Fish Wildlife Service, they quickly recognized the need for and utility of adding state fish and wildlife agency representatives to the Task Force. That was expeditiously done and 6 working groups each comprised of federal, state and university representatives, ultimately drafted the national plan that the Task Force released to the public ("A Plan for Assisting States, Federal Agencies, and Tribes in Managing Chronic Wasting Disease in Wildlife and Captive Cervids") on June 26, 2002. The plan proposes goals and actions and serves as a blueprint for future activities to identify the extent of the disease and management actions needed to eliminate it or prevent its spread. Let me commend Chairman McInnis and others for acting as a catalyst to get this done, Bob Acord and Steve Williams for their patience and vigilance in overseeing it, and all participants for their dedication and diligence in completing the plan.

Subsequently, an Implementation Document for said plan was produced on October 11, 2002 by a team of 3 State fish and wildlife agency representatives, 4 USDA, and 4 USDI representatives working with input from a myriad of wildlife management and animal health professionals from across the nation. The Implementation Document steps down the goals in the national plan to action items, assigns agency responsibilities, and identifies timelines and budgets for each of 6 categories of diagnostics, disease management, communications, research, surveillance, and information dissemination. This Implementation Plan effort chaired by Bruce Morrison, NE Game and Parks Commission, represents what we believe is the best and most current thinking with respect to what is necessary to successfully manage this disease. The budget recommendations were thoughtfully constructed under the constraint of “reasonable and realistic” – they are not “pie in the sky” requests. These budget recommendations are the basis for the Association’s appropriations request that we have asked each of our State Directors to encourage their members of Congress to support.

In April 2003, APHIS made available \$4 Million in FY2003 appropriated funds to the State fish and wildlife agencies for surveillance and management of CWD. In designing the protocol for distribution of the funds, APHIS engaged Dr. John Fischer, Dr. Tom Thorne (WY Game and Fish Department) and myself to ensure an appropriate and effective process. Collectively with APHIS we arrived at a formula that established 3 tiers of States: Tier 1 includes states with known occurrence of CWD in free ranging cervids; Tier 2 includes states adjacent to Tier 1 states or states with known CWD occurrence in farmed or captive cervids; and Tier 3 includes all other states. While one could argue the need for more money in one tier versus the other, we felt this was equitable, advanced our knowledge of presence/absence of the disease which is one of the most critical pieces of information we need, and assisted with the tremendous cost of managing the disease. The solution to getting more funds to states with CWD in free-ranging cervids, of course, is to grow the appropriated dollars, a goal to which we are all committed. Many thanks to Bob Acord and his staff at APHIS for both making these funds available and for enlisting the State fish and wildlife agencies in designing an equitable protocol that will expeditiously get money to them through a cooperative agreement.

Let me now reflect a little bit on the need for engaging yet other federal agencies - in particular the Food and Drug Administration and the Environmental Protection Agency – in a more coordinated effort to manage CWD based on sound science. Attention to all Transmissible Spongiform Encephalopathies (TSE) has increased dramatically in the last year, not just because of CWD, but most recently due to the diagnosis of Bovine Spongiform Encephalopathy (BSE) in a domestic cow in Canada. Unfortunately there is a great deal of misinformation and anxiety among the general public that may be eliciting ill – founded proposals from these federal agencies.

In November 2002, and then again more formally in May 2003, FDA proposed guidance for the rendering industry regarding the “Use of Material from Deer and Elk in

Animal Feed”. Unfortunately, this draft guidance, as currently written, hinders animal health and wildlife management agency efforts to identify new areas where CWD occurs

and it simultaneously increases, rather than decreases, the likelihood of CWD positive carcasses entering the non-ruminant animal food chain.

The Association believes the draft guidance is an overreaction and simply cannot be supported with good science. CWD is not BSE. BSE is known to be a food-borne disease and consumption of material containing BSE – contaminated tissues is the only known natural mode of transmission of BSE. For this reason, the use of materials derived from any ruminant, including cattle, sheep, deer and elk, cannot be fed to ruminant animals according to 21CFR589.2000. By contrast, CWD is known to be transmitted laterally from affected deer and elk to susceptible deer and elk; and there is no evidence CWD is a food borne disease transmissible to non-ruminant animals.

In addition to the inaccurate message it portrays, the Association is most concerned about the recommendation in the FDA draft guidance that would trigger a recall of feed or feed ingredients containing material from a CWD positive animal. This actually hinders our ability to find new areas where CWD occurs because it promotes avoidance of CWD testing, thereby increasing the chances for CWD to go undetected and for positive animals to enter the animal feed system. Experience has demonstrated that current CWD surveillance techniques can detect the disease in a new area while at relatively low prevalence but it takes higher prevalence before discovery if detection is delayed. Early detection offers greater opportunities to eliminate the disease and early detection depends on the cooperation of hunters, meat processors, taxidermists and renderers. This cooperation was severely impacted by FDA’s action in November 2002,

and the draft guidance will perpetuate this highly undesirable situation.

Finally, the Association is concerned about some draft recommendations that the USEPA has been working on in their Region 8 Office that could likewise seriously impede our ability to detect and manage CWD in wild and captive cervids. The Region 8 proposal would require certain standards and permits for treatment of wastewater from laboratory facilities handling animals or samples from animals with CWD. Labs wishing to continue or initiate work with CWD would incur huge costs to come into compliance or would have to cease their efforts related to CWD. Should this come to fruition, the Association is concerned that the next application of these standards and permit requirements would be to meat processors, taxidermists, and rendering plants. Once again, the Association believes this proposal is not science-based and seeks to impose a standard of "no risk" as opposed to acceptable "low risk". Action of this type would seriously affect the cooperation of hunters, meat processors, taxidermists and renderers and thereby impede our ability to detect the disease in a new area. Furthermore, these same standards do not now, nor is EPA proposing that they apply to scrapie, another TSE that has been around for centuries, and for several decades in the United States. While EPA has slowed-down the internal process leading to agency endorsement of these recommendations pending further discussion with the State Fish and Wildlife Agencies, State Departments of Agriculture, and State Departments of Environmental Quality, we remain concerned that ultimately a regulation would be promulgated that is poorly grounded in science.

Both the FDA and EPA proposals compel the need for greater communication and coordination among all of the federal and state agencies involved in managing CWD. We would strongly encourage Bob Acord and Steve Williams to convene the federal task force and invite FDA and EPA to participate in a forthright discussion of anticipated agency actions on CWD.

On the issue of funding, Mr. Chairman, we all agree that more is needed, and the Association is committed to working with you and Congress to make that happen. With respect to expeditiously getting money to the state fish and wildlife agencies, we will work with any federal agency, but let me suggest the utility of using an agency that has an existing mechanism for getting grant money to the State fish and wildlife agencies as the most effective mechanism. As I indicated, USDA-APHIS has or is executing cooperative agreements for granting CWD dollars to the State fish and wildlife agencies. In the Department of the Interior, the USFWS has a long-standing office, machinery and process for annually granting funds from several programs to state fish and wildlife agencies. It seems to us that using these existing grant mechanisms would be the most expeditious way to deliver funds to the State fish and wildlife agencies.

In conclusion, Mr. Chairman, the Association looks forward to working with you to improve our capability to manage this disease. We sincerely appreciate your support in the past, and I would be pleased to answer any questions.